

PATENT COOPERATION T EATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 17777PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/DK 03/00772	International filing date (<i>day/month/year</i>) 10.11.2003	Priority date (<i>day/month/year</i>) 11.11.2002
International Patent Classification (IPC) or both national classification and IPC H04R1/10		
Applicant GN NETCOM A/S et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 29.05.2004	Date of completion of this report 27.07.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Gerken, S Telephone No. +49 89 2399-6511 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/DK 03/00772

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-13 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	1-13
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

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1. Reference is made to the following documents:
D1: US 2002/021800 A1 (BJERRUM-NIESE CHRISTIAN ET AL) 21 February 2002 (2002-02-21)
D2: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 05, 3 May 2002 (2002-05-03) & JP 2002 009908 A (SHINWA KOGYO KK), 11 January 2002 (2002-01-11)
D3: US-B-6 359 9951 (OU JACK) 19 March 2002 (2002-03-19)
2. The application relates to a head set comprising a transducer, a microphone and an ear hook for suspending the headset from a user's ear.
3. The closest prior art is represented by the document D1, which is a family member of the document WO01/86923 (acknowledged in the present description on page 1).
The headset according to the D1 is constructed as a compact unit, where a transducer in the form of a speaker is arranged in a housing, which additionally has hinge parts, where an ear hook and a microphone arm, respectively, are secured via hinge links. Storing the known headset in a pocket involves a certain risk, as it may be damaged, since ear hook and microphone arm are freely exposed from the housing, whereby these parts may be subjected to inexpedient, mechanical loads.
4. It is the object of the invention to provide a headset which is less liable to be mechanically damaged.
5. According to **claim 1**, this is essentially achieved in that the transducer, the microphone and the ear hook are encapsulated in a housing or are integral parts of a housing.
6. None of the documents cited in the International Search Report hint at providing these features. In particular, in D1 the microphone and the ear hook are not encapsulated in the housing. D2 shows a portable telephone set wherein a transducer is encapsulated in a housing and an earphone cord may be wound around a reel, the reel being situated in the housing. D3 shows an earphone which is fittable to both ears. In the arrangement of D3 there is, however, neither a microphone, nor is the ear hook encapsulated in a housing. The subject-matter of **claim 1** fulfils therefore the requirements of novelty and inventive step, Art. 33 (2)

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and (3) PCT.

7. **Claims 2 to 13** are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
8. The industrial applicability is given for the subject-matter of all claims in an obvious manner, Art. 33 (4) PCT.